

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL TAPSCOTT,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-05-2885
	§	
HARRIS COUNTY, TEXAS, et al.,	§	
	§	
Defendants.	§	

MEMORANDUM OPINION AND ORDER

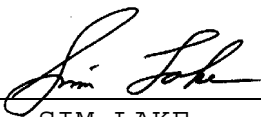
On January 13, 2006, the plaintiff was instructed to submit an Application to Proceed In Forma Pauperis using forms provided by the court along with a certified copy of his inmate trust account history. In the alternative, the plaintiff was instructed to pay the filing fee. The plaintiff was also instructed to submit an amended Complaint using court issued forms and was warned that failure to comply as directed within thirty days may result in a dismissal of this action. The plaintiff has taken no action since that date. The plaintiff's failure to pursue this action forces this court to conclude that he lacks due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. See FED. R. CIV. P. 41(b); Link v. Wabash R.R., 82 S.Ct. 1386 (1962); Woodson v.

Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). The plaintiff is advised, however, that upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b).

Accordingly, it is hereby **ORDERED** that this action be **DISMISSED** without prejudice for want of prosecution.

SIGNED at Houston, Texas, on this 23rd day of February, 2006.



SIM LAKE
UNITED STATES DISTRICT JUDGE